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PATENT

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October 26, 2007
Date

Phoebe E. Pogson
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/760,139 Confirmation No. : 7218
Applicants : Eric B. Cummings, Yolanda Fintschenko, Blake Simmons
Filed : January 16, 2004 Attorney Docket No.: 33532/US
Art Unit : 1753 Customer No. : 27,076
Examiner : Surekha Vathiyam
Title : DIELECTROPHORESIS DEVICE AND METHOD HAVING NON-UNIFORM
ARRAYS FOR MANIPULATING PARTICLES

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

Sir:

I, Edward W. Bulchis, represent that I am an attorney of record for the above-identified application. Sandia National Laboratories ("Sandia"), having a place of business at 7011 East Avenue, Livermore, California 94550, is the assignee and owner of the entire 100 percent interest in the instant application. Documentary evidence of chain of title from the original owners to Sandia has been filed with and recorded by the United States Patent Office at Reel 014715, Frame 0956.

Sandia hereby disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of U.S. Patent No. 7,014,747, a patent entitled "Dielectrophoretic Systems Without Embedded Electrodes" and U.S. Patent No. 7,204,923, a patent entitled "Continuous Flow Dielectrophoretic Particle Concentrator" and hereby agrees that any patent so granted on the above-identified application

10/29/2007 VBU111 00000038 501266 10760139

page 1 of 3

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shall be enforceable only for and during such period as legal title thereto and to U.S. Patent Nos. 7,014,747 and 7,204,923 is commonly owned. This agreement is to run with any patent granted on the above-identified application and is to be binding upon the grantee, its successors and assigns.

Additionally, Sandia hereby disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of the U.S. patents that issue from U.S. Patent Application No. 10/678,603, filed on October 3, 2003, and U.S. Patent Application No. 10/969,137, filed October 19, 2004, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period as legal title thereto and to the U.S. patents issuing from Application No. U.S. Patent Application No. 10/678,603, filed on October 3, 2003, and U.S. Patent Application No. 10/969,137, filed October 19, 2004, is commonly owned. This agreement is to run with any patent granted on the above-identified applications and is to be binding upon the grantee, its successors and assigns.

No disclaimer is made for any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of U.S. Patent Nos. and in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims canceled by a re-examination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The undersigned represents that he is an attorney of record for Sandia and has the authority to execute this document on behalf of Sandia. The undersigned further declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that the making of willfully false statements and the like is punishable by fine or

imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and may jeopardize the validity of any patent issuing from this patent application.

Respectfully submitted,

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